IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

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CASE NO. 5:19-CV-00358-MTT

ORDER

On November 8, 2019, Defendants moved to dismiss Plaintiffs' complaint for failure to state a claim upon which relief can be granted under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Doc. 6. On November 29, 2019, Plaintiffs filed an amended complaint pursuant to Rule 15(a)(1)(B). Docs. 7; 8. Rule 15(a)(1)(B) provides that "a party may amend its pleading once as a matter of course within . . . 21 day of service of a motion under Rule 12(b)."

Plaintiffs' amended complaint supersedes their original complaint. *Malowney v. Fed. Collection Deposit Grp.*, 193 F.3d 1342, 1345 n.1 (11th Cir. 1999) (stating that "[a]n amended complaint supersedes an original complaint"); *Fritz v. Standard Sec. Life Ins. Co. of New York*, 676 F.2d 1356, 1358 (11th Cir. 1982) (same). Defendants' motion to dismiss the original complaint is, therefore, rendered moot by the amended complaint. *Beasley v. City of Atlanta*, 2012 WL13012619, at *1 (N.D. Ga. 2012) (citations omitted) (finding that "the amended complaint renders moot the motion to dismiss because the motion seeks to dismiss a pleading that has been superseded");

Gulf Coast Recycling, Inc. v. Johnson Controls, Inc., 2008 WL 434880, at *1 (M.D. Fla. 2008) (holding that filing an amended complaint renders an earlier filed motion to dismiss moot).

The motion to dismiss (Doc. 6) is, therefore, **DENIED AS MOOT**. Should Defendants think it appropriate, they may file a motion to dismiss the amended complaint.

SO ORDERED, this 5th day of December, 2019.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT